

## **MINUTES**

### **UTAH Barber, Cosmetology/Barber, Esthetics, Electrology, Nail Technology Licensing Board MEETING**

**September 8, 2008**

**Room 474 – 9:00 a.m.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:06 a.m.

**ADJOURNED:** 1:41 p.m.

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan, Acting Board Secretary

**DOPL Staff Present:**

F. David Stanley, Division Director  
Kent Barnes, Compliance Manager  
Debbie Harry, Compliance Specialist

**Board Members Present:**

Marti Frasier, Chairperson  
Fran Brown  
Ruth Ann Holloway  
Monica Bruin  
Lyle Ferguson  
Holly Murphy, new member to be sworn in

**Board Members Absent:**

Lynette Casper-Johnson, excused  
Shauna Fox, excused  
Dianne Niebuhr, excused

**Guests:**

Teresa Edmunds  
Darren Martinez  
Jean Fitzgerald  
Lynn Thomas  
Babette Bobka, Great Clips  
Jannette Kelly, Great Clips Inc  
Penny Romero, DATC  
Natalie Parkin, Skinworks  
Brenda Scharman, Cameo  
Candace Daly, UCS/CJD & Associates  
Jenny Murray Counselor, the Ark of Cottonwood

#### **TOPICS FOR DISCUSSION ADMINISTRATIVE BUSINESS:**

**INTRODUCTION:**

#### **DECISIONS AND RECOMMENDATIONS**

Ms. Frasier the Chairperson recognized Mr. Stanley, who introduced Sally A. Stewart. Stating she has been

with the division for several years, working with the UBCC Education Advisory Committee, he stated for the record she has “pizzazz”. “When you give Sally an assignment she moves with it. She takes it straight forward.”

Mr. Stanley thanked the Board for all they do as the Board. Mr. Stanley yielded the floor back to Ms. Frasier.

**OATH OF OFFICE:**

Ms. Stewart administered the Oath of Office to Holly Murphy as the newest Board Member.

**MINUTES:**

The minutes from June 9<sup>th</sup>, 2008 meeting were reviewed. Ms. Brown made a motion to approve the minutes with corrections, seconded by Ms. Holloway. The motion carried unanimously.

**COMPLIANCE OVERVIEW:**

Ms. Harry gave her report on the probationers being interviewed today.

Mr. Barnes explained the duties of the Compliance Unit. As the Compliance Manager he stated he also does the entire interface with PSI and monitors the PSI exams.

Mr. Stanley and the Board expressed their appreciation for the Compliance Unit and what they do to help the Board with the decisions they must make.

**PROBATION INTERVIEW:  
Mary Booth**

Ms. Booth was interviewed by Mr. Ferguson. She had not received the mailed notice for the meeting today. Ms. Harry verified the Clearfield address so correction in LES could be made.

Ms. Booth is currently employed at Western Barbershop. No CVI testing is required and all fines have been paid. She is scheduled to be off probation in May 2010. Mr. Ferguson stated for the record that Ms. Booth has done very well on probation and met all criteria asked of her.

Mr. Ferguson made a motion she meet with the Board every six months. It was seconded by Ms. Holloway. The motion passed unanimously. Ms. Booth will meet with the Board in March 2009. Her employer reports must still be made on a quarterly basis even if not

**PROBATION INTERVIEW:  
Marcy Pruitt**

scheduled to meet with the Board. Ms. Stewart recommended Ms. Booth be monitored for a minimum of six months. **In compliance.**

Ms. Pruitt was interviewed by Ms. Holloway. This interview was conducted out of the order on the agenda. Ms. Holloway summarized letters requesting early release by the Board. Ms. Pruitt clarified she is requesting to no longer be required to meet with her Therapist. Ms. Pruitt's therapist stated in the letter that her objectives had been met and she had successfully graduated from the ACFIOP Drug Treatment program. She stated Ms. Pruitt's success will depend on her follow-through with her plan. The Board discussed her personal prevention plan. She stated meeting with the Board is stressful for her.

Ms. Pruitt is currently working at Salon Cachet but not full time. She has taken the drug screens through ACF. She talks with her sponsor daily and has a good support system at home. Ms. Pruitt has been sober one year. She attends the 12 Step program, meeting twice monthly, and has worked all 12 steps.

The Board discussed Ms. Pruitt's goals.

The Board recommended she attend more AA meetings and contact Narcotics Anonymous to see if she feels more connected with that program. The Board requested she have contact cards signed and faxed to Ms. Harry monthly along with the quarterly employer report. Her Stipulation and Order already states she would participate in therapy and an after care program so an amendment is not necessary.

Ms. Holloway made a motion that she attend four monthly meetings with a group of her choice and send in a monthly report. Ms. Bruin seconded the motion. The voting was unanimous. She still needs her Employer reports. **In compliance.**

**PROBATION INTERVIEW:  
Jenny Murray**

Ms. Murray was interviewed by Ms. Bruin. She states she is doing well, but had relapsed and is with ARC right now.

She will have her counselor fax in her report to Ms. Harry, and has no fines outstanding. She has been

sober since 08/26/2008. She is working through the 12 Step program and is about half way through.

When Ms. Murray is out of treatment she will need to do her testing through Compass Vision. Ms. Harry has an updated address.

Ms. Murray is four months pregnant, due February 2009. ARC is taking Ms. Murray through withdrawals gradually so the baby will not have too hard a time.

Ms. Bruin moved to meet with Ms. Murray on Dec 1, 2008. Ms. Brown seconded the motion. The motion passed unanimously. She is to bring all documents to Ms. Harry by next Board meeting. **In compliance.**

**PROBATION INTERVIEW:  
Amanda Call**

Ms. Call was excused.

**PROBATION INTERVIEW:  
Julie Stumphy**

Mr. Holman, Chief Investigator, stated to the Board that Ms. Stumphy is out of our jurisdiction as she is living in California. Mr. Holman contacted her by phone. She stated she is licensed by and under contract with California. Mr. Holman contacted the California State Board and was told there was no disciplinary action against her license.

She wants to keep her Utah license in effect so she may come back to Utah when her husband finishes school. Ms. Stewart will put a "hold" on the license so the Division will be notified at renewal. She will check the MOU for 'out of town for 60 days ...contact the Board'.

The Board stated they would take no action at this time. A motion to that effect was made by Ms. Brown and seconded by Ms. Bruin. The vote was unanimous.

**BOARD DISCUSSION  
MMA Liquid**

The Board discussed methyl methacrylate (MMA), stating its use is a serious health concern. Prolonged exposure causes liver damage and other organs may also be permanently damaged. Salons may sell MMA but Nail Technicians may not use it. It is unlawful conduct.

The Board also discussed the "credo blade", what it looks like, what it is used for, and how improper use

often leads to the need for medical care. It should only be used by a Master Esthetician.

The Board discussed the possibility that a class could be held for Mr. Holman and the investigators on (MMA) and use of the credo blade, be arranged with Ms. Bruin.

**BOARD DISCUSSION:**  
**Fish Exfoliation**

The Board discussed the e mail received by Ms. Stewart concerning the live fish exfoliation technique referred to as "Doctor Fish". The Board agreed it was not acceptable in Utah. It would be considered unlawful conduct, a possible Health Code violation and would be subject to the Utah Sanitation code.

**PROBATION INTERVIEW:**  
**Douglas Mortensen**

Mr. Mortensen is requesting his license be reinstated. The Board determined the "Hold" will remain. Should he decide he wants a license he must meet current licensure requirements including testing. His license is expired. This was a house cleaning issue.

**NEW STIPULATION:**  
**Stuart Nelson**

Ms. Brown conducted the interview of Stuart Nelson. He had received a ticket for a Driving under the influence (DUI) and due to previous DUIs it was a felony charge. Mr. Nelson has to go before the Board and work with them under his Memorandum of Understanding. He is in an on going treatment program, through the CATS program and attends AA meetings. He is scheduled to do the CATS drug screening until 2009.

He has completed a 'Primed for life' program, received his High School Diploma, and currently following a recommended Out-patient program consisting of a 6-9 month program and 2 classes a week.

Mr. Nelson has been sober and will receive a one year sobriety chip this week. He has been working at Great Clips (3700 W 5400 S) for about two and a half months. Ms. Harry has his evaluation, but needs the Employer reports. He was advised to let his employer know to turn them in. We will start the tracking this month.

He has been on probation for 3 years and his fines are paid off. He takes medication so he will show positive

on some of the drug tests. He will fax prescriptions to Ms. Harry within 48 hours.

Ms. Brown made a motion for him to come to the next meeting with all documents requested on his MOU. Ms. Holloway seconded the motion. The vote was unanimous.

**REINSTATEMENT OF LICENSE:  
Lisa Norton**

Ms. Norton was sent a denial letter. She then filed an Agency Review request. The Agency Review request has been remanded back to DOPL Director.

Due to the combination of events the Division will reverse the denial and issue the license. Ms. Stewart explained that should this situation comes up again there will be no exception made for Ms. Norton.

Ms. Stewart gave Ms. Norton the date of the next Cosmetology renewal and informed her all future fees must be paid in a timely manner. She was advised to keep her address current with the Division.

The 2007-2009 Cosmetology license will be granted. No additional fees are required nor is further action required on her part.

**BOARD DISCUSSION:  
NIC National Conference**

There are three members attending the NIC conference in Jackson Hole, Wyoming. The question of funding has been raised. The registration for each member would be \$375.00; and four nights lodging at approximately \$135.00 per night. Ms. Frasier's rough estimate on airline tickets was approximately \$400.00 each. Ms. Stewart will have Penny Vogeler check to see if State Travel is less. The approximate total cost would be \$2,865.00.

There are funds in the Education and Enforcement Fund to send the appropriate people. The Division will need to know details to approve the expenditures. The conference dates will be October 24-27, 2008.

The three should attend because Ms. Brown is on the Executive Council for NIC, Ms. Frasier is the Co Chair for the Education committee, and Ms. Holloway is the Chairman of the Esthetics committee so each have responsibilities at the conference. Ms. Brown stated a portion of her costs may be paid by the NIC.

**BOARD DISCUSSION:  
Apprenticeship Hours**

Ms. Brown mentioned she would like to send the whole board. That is what the other State boards are doing for this NIC Conference. Ms. Stewart declined the invitation this time. A motion for the funding for three people was made by Ms. Holloway and seconded by Ms. Murphy. The vote was unanimous.

The Board discussed Apprenticeships and minimum time frames without maximum time frames. This concerned apprenticeships being open ended, which can and has occurred.

There is also no minimum age requirement. The schools may want to discuss this. The Board can not put it in rule because there is no law supporting it. To "fix this would require opening the law. The 40 hour work week is also currently set up only for apprenticeships.

**BOARD DISCUSSION:  
Dr. Charles Walton**

Dr. Walton gave a presentation to help Board members with the interviewing of probationers, addressing the objective that the Board recognizes the State of Mind of probationers, their backgrounds, and their reactions post interview. For the probationers the interviews may be terrifying and there have been suicides for other professions. Dr. Walton used the analogy of the Board as velvet covered steel.

When licensees are notified to meet with the Board, they have already signed a MOU or a Stipulation and Order. They meet with the Compliance Unit where they are briefed regarding the Board structure and procedures. He suggested interview considerations and provided in two hand outs. He urged the Board to remember these minutes are public record.

He also discussed the Diversion program. These records are completely confidential.

**NEW STIPULATION:  
Ashley Midby**

Ms. Frasier conducted the interview with Ms. Midby. She has been sober since December. Ms. Harry has explained the MOU to her.

Ms. Midby is considering a move in December. Ms. Harry suggested we could do a phone interview if she moves out of state. Her fines have been paid. She is doing the weekly meetings including the AA 12 Step

program. She has a sponsor. Her father, who was with her, is upset having to appear before the Board and signing an MOU. It was explained that the Board is here to help probationers and protect the public.

She is starting work at Smart Style in Riverdale. She has explained the situation to her employer. She did not know she needed letters from her employer until Ms. Harry explained the MOU to her.

Living arrangements are better for her now. Licensee was advised to seek a support group as needed.

When she finishes drug screening with Davis County Mental Health (which is acceptable to DOPL) she must screen with Compass Vision. She will fax group meetings signature cards to Ms. Harry at the end of each month. Ms. Midby will make copies of the Employer report form for her employer to complete and provide any change of address.

Her next meeting is December 1, 2008. A motion was made by Ms. Holloway and seconded by Ms. Murphy to continue with the outlined program and follow up through Ms. Harry. The vote was unanimous. **In compliance**

**NEW STIPULATION:  
Stephanie Brown**

Ms. Holloway conducted the interview with Ms. Brown. She stated she will do what she has to do to make things right so she may keep her license.

Ms Brown has started with Great Clips. Her employer is aware of her history and is fine with it. Her fines are paid and she will sign up with Compass Vision in October or January.

She stated she doesn't feel stressed and has a good support system in her husband and all kinds of family. Ms. Thomas from PSI knows Ms. Brown's family and commented on her support from family. She has been sober since January 6, 2004.

A motion was made by Ms. Holloway and seconded by Ms Fran Brown, to continue with the MOU, meet December 1<sup>st</sup> and complete monthly employer reports that can be faxed to Ms. Harry. The motion was passed unanimously.



**ADJOURN: 1:41 p.m.**

Motion to adjourn made by Ms. Frasier (not needed)

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

12/01/2008

Date Approved

---

Marti Frasier, Chairperson  
Barbering, Cosmetology/Barber, Esthetics, Electrology, Nail  
Technology Licensing Board

12/01/2008

Date Approved

---

Sally A. Stewart, Bureau Manager  
Division of Occupational & Professional Licensing